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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

Michael Zeleny, an Individual,

Plaintiff,

vs.

Edmund G. Brown, et al.,

Defendants.

Case No. 17-cv-07357-RS

**DECLARATION OF COURTNEY
WORCESTER IN SUPPORT OF NON-
PARTY NEW ENTERPRISE ASSOCIATES'S
REPLY IN SUPPORT OF ITS MOTION TO
QUASH AND/OR FOR PROTECTIVE ORDER**

Date: March 7, 2019

Time: 1:30 pm

Courtroom: 3, 17th Floor

I, Courtney Worcester, declare and state as follows:

1. I am an attorney licensed to practice in Massachusetts, and a partner with Foley & Lardner LLP, counsel for non-party New Enterprise Associates ("NEA"). I make this declaration based on the following facts:

DECLARATION OF COURTNEY WORCESTER IN SUPPORT OF NEA'S REPLY
Case No. 17-cv-07357-RS

1 on my own personal knowledge, except as to those matters stated on information and belief, which I
2 believe to be true. If called as a witness, I could competently testify to the matters stated herein.

3 2. On January 15, 2019, an associate in my office made a Public Records request via
4 the City of Menlo Park website requesting records from a de novo appeal that took place on August 11,
5 2016 at 2 pm, regarding Michael Zeleny's appeal of the decision of the Community Services Director,
6 denying his Application for a City Special Event Permit.

7 3. On January 17, 2019, the City of Menlo Park produced, *inter alia*, an MP3
8 recording from that August 11, 2016 appeal.

9 4. Attached as Exhibit A are excerpts from a transcript generated from the MP3
10 recording of the August 11, 2016 appeal.

11 5. Attached as Exhibit B is a true and accurate copy of a Subpoena To Testify at a
12 Deposition in a Civil Action dated February 6, 2019 that was issued by the Plaintiff in this action, Michael
13 Zeleny to C. Richard Kramlich.

14 6. Attached as Exhibit C is a true and accurate copy of a Subpoena To Testify at a
15 Deposition in a Civil Action dated February 6, 2019 that was issued by the Plaintiff in this action, Michael
16 Zeleny to Scott Sandell.

17 7. Attached as Exhibit D is a true and accurate copy of a printout of "Partially indexed
18 items in Content Search in Office 365," available at [https://docs.microsoft.com/en-](https://docs.microsoft.com/en-us/office365/securitycompliance/partially-indexed-items-in-content-search)
19 [us/office365/securitycompliance/partially-indexed-items-in-content-search](https://docs.microsoft.com/en-us/office365/securitycompliance/partially-indexed-items-in-content-search).

20 8. Attached as Exhibit E is a true and accurate copy of the Complaint for Trespass in
21 *New Enterprise Associates, Inc. v. Zeleny*, Case No. Civ 499465 (San Mateo Superior Court).

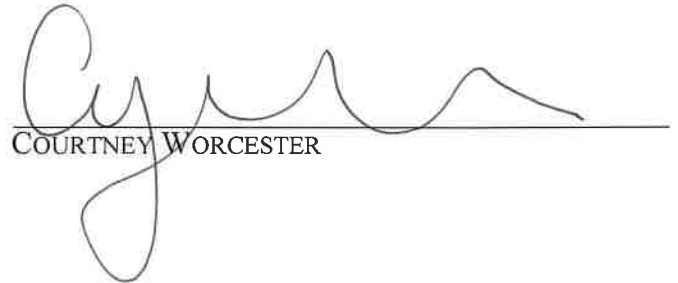
22 9. Attached as Exhibit F is a true and accurate copy of the Answer of Defendant
23 Michael Zeleny in *New Enterprise Associates, Inc. v. Zeleny*, Case No. Civ 499465 (San Mateo Superior
24 Court).

25 10. Attached as Exhibit G is a true and accurate copy of the Notice of Entry of Judgment
26 and Permanent Injunction entered in *New Enterprise Associates, Inc. v. Zeleny*, Case No. Civ 499465 (San
27 Mateo Superior Court).
28

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed this 15th day of February 2019 at Boston, Massachusetts.
4

5
6 By:


COURTNEY WORCESTER